

02-R-0574

A RESOLUTION

BY COUNCILMEMBER *Felicia A. Moore* *Clair Muller*  
FELICIA A. MOORE

**A RESOLUTION STATING THE CITY OF ATLANTA'S SUPPORT OF THE NATIONAL LEAGUE OF CITIES POSITION OF PROTECTING LOCAL REVENUES AND TAXING AUTHORITY AND OPPOSING PREEMPTIVE EFFORTS THAT COULD CAUSE BOTH LONG-AND SHORT-TERM REVENUE SHORTAGES FOR CITIES AND LOCAL ECONOMIES, AND UNDERMINE LOCAL ZONING CONTROLS; OPPOSING EFFORTS BY THE FCC AND CONGRESS TO PREEMPT LOCAL TELECOMMUNICATIONS TAXING AND FRANCHISE AUTHORITY; AND FOR OTHER PURPOSES.**

**Whereas**, the Telecommunications Act of 1996 was passed almost 6 years ago and members of Congress are again questioning if the Act to deregulate the telecommunications industry is accomplishing increased consumer choice and lower prices, and

**Whereas**, the telecommunications industry is lobbying Congress to reduce and eliminate local control and taxing authority; and

**Whereas**, a well-funded broad coalition of industry associations are making a concerted effort to have Congress preempt the authority of local governments to set our own taxes and tax rates on telecommunications, and

**Whereas**, the telecommunications industry would like to mandate uniform state taxes and rates, leaving localities completely out; and

**Whereas**, the industry is also seeking preemptive measures from Congress, the FCC and state legislators to limit local control on the compensation and management authority of public rights-a-way.

**Whereas**, local governments across the nation are being threatened with industry lawsuits, preemptive regulatory measures from the Federal Communications Commission (FCC), and overbearing state and federal laws that preempt local authority.

**NOW, THEREFORE BE IT RESOLVED BY THE ATLANTA CITY COUNCIL AND THE CITY OF ATLANTA**, that we urge the Georgia Congressional Delegation to oppose efforts by the FCC and Congress to undermine and preempt local telecommunications taxing/franchising authority, and

**Be It Further Resolved**, that the City of Atlanta wants the Georgia Congressional Delegation to fight to retain the City of Atlanta and other U.S. cities' ability to control of our right-of-ways and our authority to act in the interest of our citizens, especially where local zoning is concerned; and

**Be it Further Resolved**, that the Municipal Clerk of the City of Atlanta is hereby directed to transmit a "true copy" of this resolution to all members to the Georgia Congressional Delegation.

A true copy,

*Phonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

APR 01, 2002  
APR 05, 2002

# National League of Cities



## 2002 Hot Issues

### *Telecommunications Fundamentals for Local Elected Officials*

*Protecting Local Revenues and Taxing Authority is a priority of the National League of Cities in 2002, which opposes preemptive efforts that could cause both long-and short-term revenue shortages for cities and local economies, and undermine local zoning controls.*

#### Background

The Telecommunications Act of 1996 was passed almost 6 years ago and members of Congress are again questioning if the Act to deregulate the telecommunications industry, to increase consumer choice and lower prices is accomplishing this. The telecommunications industry is making the case to Congress that comprehensive reform of the law is needed this year. These reforms are specifically targeted at reducing or eliminating local control and taxing authority. A well-funded broad coalition of industry associations is making a concerted effort to have Congress preempt the authority of local governments to set their own taxes and tax rates on telecommunications. Instead they would mandate uniform state taxes and rates leaving localities completely out.

#### Public Rights-of-Way

On the issue of rights-of-way, renewed attacks on public right-of-way compensation and management authority have resurfaced. Local governments across the nation are being threatened with industry lawsuits, preemptive regulatory measures from the Federal Communications Commission (FCC), and overbearing state and federal laws that preempt local authority. Local officials believe that they must be fairly compensated


by the telecommunication industry for the use of public rights-of-way. Utilities, such as telecommunications providers, that depend upon street cuts, dispute claims that multiple cuts diminish the lifespan of roads and view these fees merely as attempts to raise revenues.

Local governments have multiple interests to protect, including right-of-way maintenance and inspection, limiting disruption and deterioration, and zoning concerns related to aesthetics, consistency with growth plans, and economic development.

At the same time, local elected officials nationwide are facing an increase in requests for use of public rights-of-way relating to the development of cable and telecommunications systems. As deregulation allows the telecommunications providers to become competitive, and the number of companies desiring to dig up streets increases, the relationship between local governments and telecommunications providers will become more difficult. Telecommunications providers are seeking preemptive measures from Congress, the FCC and state legislatures to limit local control.

#### ►►ACTION

*Contact your delegation to urge them to oppose efforts by the FCC and Congress to undermine and preempt local telecommunications taxing/franchising authority.*



*Make clear that municipalities must retain rights-of-way authority to act in the interest of their citizens, especially where local zoning is concerned.*

### **Public Safety Communications/Spectrum Allocation**

Reps. Jane Harmon (D-Ca.) and Curt Weldon (R-PA) recently introduced "the Homeland Emergency Response Operations (HERO) Act, (H.R. 3397). The Act is vital legislation that will ensure the nation's police, fire and other emergency responders have the broadcast frequencies they need for secure, effective and interoperable radio communications. The bill would establish a firm date to clear TV channels from the spectrum allocated for public safety in the 700 MHz band. Before the 107th Congress adjourns, it is imperative that it establishes December 31, 2006 as a firm date by which radio spectrum, allocated for public safety radio services, will be cleared of incumbent broadcast operations. Law enforcement, fire, EMS, and other public safety agencies could then count on radio spectrum for voice and data radio communications. These agencies maintain mobile radio systems for dispatching emergency personnel, delivering critical information to personnel in the field and coordinating on-scene emergency responses.

#### **►►ACTION**

*Contact your delegation to urge them to cosponsor and support H.R. 3397, to provide that, as of December 31, 2006, TV stations will no longer occupy the spectrum reallocated for public safety. State and local governments would then be able to plan, design, fund, and construct radio systems in anticipation of this date.*

*►Make clear that the federal government must increase interoperability for both voice and data, release additional spectrum for public safety and emergency management use, and eliminate interference problems in public safety communications. This is imperative for adequate public safety communications.*

### **Municipal Ownership of Telecommunication**

Although much of the recent focus on Capital Hill has been on pending broadband legislation, the telecommunications industry is also pushing Congress

on another priority item: halting the trend of municipalities to build their own telecommunications networks. Currently, federal law states "No state or local statute or regulation, or other state or local legal requirement, may prohibit or have the effect of prohibiting the ability of **any entity** to provide any interstate or intrastate telecommunications service." Despite the words "any entity," the Federal Communications Commission takes the position that the words "any entity" do not necessarily apply to municipally owned utilities. As a result, Congress and several states are being pressured from the telecommunications lobby to prohibit municipally owned utilities from providing cable and Internet services even though these utilities often have taken the lead in bringing broadband access to their communities.

### **NLC Policy and Position**

NLC supports the rapid universal deployment of high-speed Internet access, or broadband information technologies. This technology will be an important economic tool for communities by allowing individuals, businesses, hospitals, and schools to be efficiently linked together at all times and in all locations. NLC believes that, in addressing telecommunications issues, the federal government should not preempt existing local government authority. NLC urges the federal government to recognize longstanding municipal authority to assure universally available communications and information technology through municipally initiated development.

#### **►►ACTION**

*►Contact your delegation to strongly oppose efforts by the federal government to restrict/preempt local governments in their local efforts to provide telecommunications services to their citizens.*

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*For more information contact:*

*Juan Otero  
Principal Legislative Counsel  
Center for Policy & Federal Relations  
(202) 626-3022/ Fax: 202-626-3043*

RCS# 3635  
4/01/02  
2:42 PM

Atlanta City Council

Regular Session

CONSENT I

Except; 02-R-0531; 02-R-0499; R-0497; R-0561  
02-R-0498; 02-R-0588; 02-R-0589; 02-R-0513  
ADOPT

SEE ATTACHED LISTING OF ITEMS  
ADOPTED/ADVERSED ON  
CONSENT AGENDA

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	B Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0497  
02-R-0498  
02-R-0499  
02-R-0513  
02-R-0531  
02-R-0561  
02-R-0589

CORRECTED COPY

CONSENT I

		04/01/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-0562	34. 02-R-0486	63. 02-R-0514
2. 02-O-0564	35. 02-R-0511	64. 02-R-0515
3. 02-O-0566	36. 02-R-0587	65. 02-R-0516
4. 02-O-0568	37. 02-R-0492	66. 02-R-0517
5. 02-O-0582	38. 02-R-0493	67. 02-R-0536
6. 02-O-0389	39. 02-R-0557	68. 02-R-0537
7. 02-O-0392	40. 02-R-0521	69. 02-R-0538
8. 02-O-0390	41. 02-R-0522	70. 02-R-0539
9. 02-O-0458	42. 02-R-0523	71. 02-R-0540
10. 02-O-0394	43. 02-R-0524	72. 02-R-0541
11. 02-O-0397	44. 02-R-0525	73. 02-R-0542
12. 02-O-0399	45. 02-R-0526	74. 02-R-0543
13. 02-O-0400	46. 02-R-0527	75. 02-R-0544
14. 02-O-0401	47. 02-R-0528	76. 02-R-0545
15. 02-O-0402	48. 02-R-0529	77. 02-R-0546
16. 02-O-0403	49. 02-R-0530	78. 02-R-0547
17. 02-O-0404	50. 02-R-0567	79. 02-R-0548
18. 02-O-0405	51. 02-R-0588	80. 02-R-0549
19. 02-O-0408	52. 02-R-0518	81. 02-R-0550
20. 02-R-0464	53. 02-R-0556	82. 02-R-0551
21. 02-R-0494	54. 02-R-0558	83. 02-R-0552
22. 02-R-0495	55. 02-R-0585	84. 02-R-0553
23. 02-R-0496	56. 02-R-0586	85. 02-R-0554
24. 02-R-0500	57. 02-R-0349	86. 02-R-0555
25. 02-R-0560	58. 02-R-0506	
26. 02-R-0569	59. 02-R-0532	
27. 02-R-0570	60. 02-R-0533	
28. 02-R-0571	61. 02-R-0534	
29. 02-R-0572	62. 02-R-0535	
30. 02-R-0573		
31. 02-R-0574		
32. 02-R-0595		
33. 02-R-0596		

02-R-0574

(Do Not Write Above This Line)

A RESOLUTION

BY COUNCIL MEMBER FELICIA A. MOORE

A RESOLUTION STATING THE CITY OF ATLANTA'S SUPPORT OF THE NATIONAL LEAGUE OF CITIES POSITION OF PROTECTING LOCAL REVENUES AND TAXING AUTHORITY AND OPPOSING PREEMPTIVE EFFORTS THAT COULD CAUSE BOTH LONG-AND SHORT-TERM REVENUE SHORTAGES FOR CITIES AND LOCAL ECONOMIES, AND UNDERMINE LOCAL ZONING CONTROLS; OPPOSING EFFORTS BY THE FCC AND CONGRESS TO PREEMPT LOCAL TELECOMMUNICATIONS TAXING AND FRANCHISE AUTHORITY; AND FOR OTHER PURPOSES.

ADOPTED BY

APR 01 2002

COUNCIL

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☒ PERSONAL PAPER REFER

Date Referred 3/18/02

Referred To: Finance Executive

Date Referred

Referred To:

Date Referred

Referred To:

Committee

Date

Chair

Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

First Reading

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ AC Vote

CERTIFIED

APR 1 2002

Clara H. Moore

CERTIFIED

APR 01 2002

Randy Daughlin Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

Shirley F. Moore

APR 05 2002